

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MATEO ESTRADA,

Petitioner, No. 2:03-cr-247 JAM DAD

VS.

UNITED STATES,

Respondent. **ORDER**

Mateo Estrada, a federal prisoner proceeding pro se, filed a document with the court styled as a “petition for writ of audita querela.” (Doc. No. 137.) Estrada seeks to challenge his 2004 conviction and sentence in this court for possessing pseudoephedrine with knowledge or reasonable cause to believe that it would be used to manufacture methamphetamine, in violation of 21 U.S.C. § 841(c)(2). The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 4, 2013, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within 14 days. Petitioner has filed objections to the findings and recommendations. (Doc. No. 143.)

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 4, 2013 (Doc. No. 142), are adopted in full;

2. The relief requested in the document styled as a petition for writ of audita querela (Doc. No. 137) is DENIED; and

3. For the reasons stated in the magistrate judge's findings and recommendations, the court declines to issue a certificate of appealability as referenced in 28 U.S.C. § 2253.

DATED: April 10, 2013

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE